

Justice Committee

Proposals to end the automatic early release of certain categories of prisoner

Written submission from the Scottish Prison Service

Following the Scottish Parliament's Justice Committee request for views on the forthcoming Scottish Government amendments to the Criminal Justice (Scotland) Bill in respect of the ending of automatic early release of certain categories of prisoners, the Scottish Prison Service (SPS) views are as set out below in response to the specific issues highlighted in the call for written evidence.

Whether the scope of the proposed changes is appropriate?

The issue is not applicable to SPS.

What impact the proposed changes would have on the work of Criminal Justice Social Workers and others in trying to ensure that released prisoners are safely re-integrated back into the community.

One of the effects of the proposals is that the target groups would no longer be subject to compulsory supervision on non-parole licence prior to sentence expiry. Scottish Government is currently engaged in an exercise to extend the scope of MAPPA to include violent offenders. Taking these 2 things together, the effect could be that responsibility for managing these groups after sentence expiry would switch to MAPPA, and may have to be supplemented by civil orders (SOPOs and equivalent civil orders for violent behaviour etc) to manage the residual risk presented to the community and support the safe re-settlement of these groups.

The reforms will also marginally increase the volume of formal risk assessments and reports required of both prison-based and community-based Criminal Justice Social Work, however the work will be spread across local authorities. It is not possible to identify specific pressures on specific authorities at this stage.

What impact the proposed changes would have on prisoner numbers and the work of the Parole Board for Scotland.

The estimated projected increase due to the impact of the proposals is an additional 120 offenders (90 sex offenders, 30 violent offenders) after 12 years following the implementation of the legislation. It is estimated that there will be no impact on the prisoner population until 3 years after the Act comes into force.

Scottish Government projections suggest, in summary, that the average daily prisoner population will increase to around 9,000 by 2017-18. The proposals to end automatic early release for the 2 categories will therefore have a small marginal impact on the overall population total. Through the years as the numbers of those in custody has increased SPS has shown that it is adaptable and has been able to react and accommodate these increases.

The proposals as they stand would therefore have a marginal impact on total population given current numbers and estate capacity.

It is not for SPS to comment on the impact of the proposed changes for the Parole Board for Scotland but from an SPS perspective it is likely that there will be a slight annual increase in casework as a result of the reforms, and therefore a slight increase in the number of parole dossiers prepared by SPS.

The appropriate use of determinate sentences as compared with discretionary intermediate sentences (eg Orders for Lifelong Restriction) in terms of protecting the public from dangerous offenders.

SPS acknowledge the proposed changes to sentencing for these categories of offenders. Procedures already in place will need to be augmented to ensure that critical dates are mapped appropriately to provide a framework for the timing of interventions to enable offenders to prepare for key milestones in their sentences.

Whether the proposed changes are consistent with the thus far un-commenced early release provisions set out in the Custodial Sentences and Weapon (Scotland) Act 2007 (as amended by the Criminal Justice and Licensing (Scotland) Act 2010).

The proposed changes are consistent with the early release provisions in the Act.

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